IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR
S.B. Civil Writ Petition No.3704/07
Smt. Ganga Devi Vs. Additional Civil Judge
(Sr. Division) & Ors.

27.08.2007

Hon'ble Mr. Justice Mohammad Rafiq

Shri Saransh Saini for petitioner.

The petitioner has challenged the order dated 30.4.2007 whereby the learned Court of Additional Civil Judge (Sr. Div.) No.1 in the election petition filed by the respondent no.2 Smt. Saroj Devi while allowing the application of respondent no.2 filed under Order 7 Rule 14(3) CPC, rejected the application of the petitioner under Section 73 of the Indian Evidence Act.

The learned counsel for the petitioner argued that the document Ex.6

on the basis of which it is alleged that the name of the petitioner was entered as a voter at more than two places, did not contain the signature of the petitioner and therefore the application was made for summoning the original thereof and sending the same for comparison of signature contained therein with the original signature. Certified copy was produced in evidence by the Election Officer which according to petitioner was a forged document. In the self same impugned order, the learned trial court allowed the application of the petitioner filed under Order 7 Rule 14(3) by which the aforesaid document was taken on record illegally.

Having heard the learned counsel for the petitioner and perused the

material on record, I find that the document Ex.6 which was allowed to be taken on record by the learned trial court was a certified copy issued by the Election Officer of the Bharatpur Assembly. In this Ex.6 not only the name of the petitioner is contained but the names of her husband as well as other family members are also recorded which is a public document which was got on obtaining certified copy from the competent authority. Such document if shall be allowed in evidence was just and correct decision of the case. This application was rejected by the trial court by observing that since it is a certified copy, it could not be examined by handwriting expert and therefore if the petitioner held that the signature

made on that application submitted before the Electoral Registering Authority, the Legislative Assembly Region 72, Bharatpur was not correct and appropriate remedy for her was to take legal action as may be available to her. The application was therefore rejected by the learned Election Tribunal on the premise that it was not acceptable at this stage.

In the facts of the case, I do not find that the order passed by the learned Court below suffer from any such legal error as may warrant interference by this Court.

The writ petition is dismissed accordingly.

(Mohammad Rafiq),J.

Rs/-